

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CRISTOBAL GUZMAN and JOSE DIAZ,
*on behalf of themselves, FLSA Collective Plaintiffs
and the Class,*

Plaintiffs,

Case No.: 13-cv-3825

**NOTICE OF PLAINTIFFS'
MOTION FOR CONDITIONAL
COLLECTIVE
CERTIFICATION AND FOR
COURT FACILITATION OF
NOTICE PURSUANT TO 29
U.S.C. § 216(b)**

-against-

VESDEL FOODS INC. d/b/a STAGE DOOR DELI,
PETER TRAVLOS, NICK TRAVLOS,
VICKI TRAVLOS, C-PENN FOODS INC. d/b/a
STAGE DOOR DELI & RESTAURANT,
ATHANASIOS ARGYRIS, NIKOLAOS ARGYRIS,
and GEORGE ARGYRIS,

Defendants.

Please take notice that upon the accompanying Memorandum of Law and annexed materials, Plaintiffs, on behalf of themselves and all others similarly situated, by their undersigned attorneys, hereby move for the following relief in this Fair Labor Standards Act ("FLSA") collective action:

(1) Conditional certification of this action as a representative collective action pursuant to the FLSA, 29 U.S.C § 216(b) on behalf of non-exempt employees (including telephone dispatchers, cashiers, delivery persons, counterpersons, dishwashers and food preparers) employed by Defendants within the last six years ("Covered Employees");

- (2) Court-facilitated notice of this FLSA action to the Covered Employees including a consent form (opt-in form) as authorized by the FLSA;
- (3) Approval of the proposed FLSA notice of this action and the consent form;
- (4) Production in Excel format of names, title, compensation rate, last known mailing addresses, email addresses (if any), all known telephone numbers and dates of employment of all Covered Employees within 10 days of Court approval of conditional certification; and
- (5) Posting of the Notice, along with the consent forms, in Defendants' places of business where Covered Employees are employed by Plaintiffs' counsel during regular business hours.

Dated: New York, New York
October 21, 2013

Respectfully submitted,

By:/s/ C. K. Lee

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*Attorneys for Plaintiffs and proposed collective
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